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**BY ECF:**

The Honorable Naomi Reice Buchwald  
Senior United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: USA v. Hany Ibrahim,  
Case No.: 1: 21 CR 146-01(NRB)  
Unopposed Letter Motion to Delay Defendant's Report Date

Dear Judge Buchwald:

With this unopposed Letter Motion I respectfully request, for the reasons set forth below, that Mr. Ibrahim's report date for his incarceration, currently set for October 3, 2022, be delayed to November 7, 2022.

The following pertinent facts apply to this requested delay:

1. Judgment was entered against Defendant and he was ordered to surrender at the institution designated by the Bureau of Prisons no later than October 3, 2022 (ECF No.: 30).
2. Mr. Ibrahim underwent a surgical procedure at Mount Sinai Hospital in New York to correct a hernia he had experienced on August 31, 2022. See Exhibit A.
3. Mr. Ibrahim is currently scheduled for a follow-up appointment with Midtown Health and Wellness regarding this surgery on October 14, 2022, the earliest date available when he sought to schedule it following his surgery. See Exhibit B.
4. Additionally, Mr. Ibrahim's one-year renewal lease on his rent stabilized lease of 31-45 Crescent Street, Apartment 1D, Astoria, NY 11106 is set to terminate on October 31, 2022. See Exhibit C. This necessitates the family finding a new apartment to rent, which fits the family's limited budget, while Mr. Ibrahim is incarcerated, and to complete moving the family's possessions to the new apartment without incurring large expenses for additional movers that will be necessary if Mr. Ibrahim is unable to assist the family with the move.
5. Further, Mr. Ibrahim's for hire vehicle license from the Taxi & Limousine Commission of New York, January 3, 2023. See Exhibit D. Mr. Ibrahim would like to renew this license prior to his incarceration. Taking this step in advance of reporting for his incarceration will make Mr. Ibrahim's reintegration following his sentence a considerably more seamless process and guarantee Mr. Ibrahim and his family continued access to his main source of income.

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6. We have communicated this request to AUSA Thomas Burnett; his office has no objection to a delay in his report date to November 7, 2022.
7. We have communicated this request to Pre-Trial Services Officer Karina Vilefort, who stated her office has no objection to a delay in Mr. Ibrahim's report date until November 7, 2022.

Sentencing and judgment are governed by Rule 32 of the Federal Rules of Criminal Procedure.

It has long been practice within the Southern District of New York to take individual impacts, particularly aspects affecting the Defendant's employment/earning prospects upon release, of a reporting date on that Defendant into consideration when determining whether or not to grant a delay in reporting date. See e.g. United States v. Neiblum, No. 82 Cr. 508-CSH, 1983 U.S. Dist. LEXIS 13541, at \*1-2 (S.D.N.Y. Sep. 22, 1983).

Throughout the COVID-19 Pandemic courts have repeatedly confirmed that sentencing courts should take into account the individual health circumstances into account when determining requests for relief. See United States v. Roeder, 807 F. App'x 157, 161 (3d Cir. 2020) (Overturning the district court's denial of an unopposed motion to extend report date for a lack of expressed, individualized reasoning regarding the potential impacts of denial on the defendant's health).

Courts noted that the "...need to avoid amplifying the already existing health risks..." is a factor to be taken into account in determining if a motion to delay reporting for incarceration should be granted. United States v. Stoughton, No. 2:19-CR-47-JPK, 2020 U.S. Dist. LEXIS 69814, at \*2 (N.D. Ind. Apr. 20, 2020). See also United States v. Garlock, No. 18-CR-00418-VC-1, 2020 U.S. Dist. LEXIS 53747, 2020 WL 1439980, at \*1 (N.D. Cal. Mar. 25, 2020); United States v. Roeder, No. 20-1682, 2020 U.S. App. LEXIS 10246, 2020 WL 1545872, at \*2 (3d Cir. Apr. 1, 2020).

Therefore, in this matter, this Court should rule that the ends of justice are served by granting the unopposed continuance of the Defendant's reporting date. For the foregoing reasons, the undersigned respectfully suggests that good cause has been shown and requests a delay of his report date to November 7, 2022.

The Defendant, HANY IBRAHIM, by and through his undersigned counsel prays this Honorable Court will grant the requested relief and/or any other relief deemed necessary.

Thank you for your consideration.

Sincerely,

**Spodek Law Group P.C.**

/s/ Todd A. Spodek

Todd A. Spodek

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2022, I electronically filed the foregoing with the Clerk of the Court through the CM/ECF system which will send electronic notification of such filing to all counsel of record.

/s/ Todd A. Spodek

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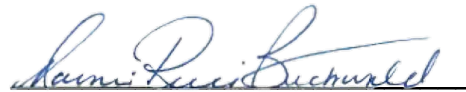
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*Counsel for Defendant Hany Ibrahim*

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SO-ORDERED

A handwritten signature in blue ink, reading "Naomi Reice Buchwald", is written over a horizontal line.

The Honorable Naomi Reice Buchwald

New York, New York

Dated: September 30, 2022

Cc: All Counsel of Record (via ECF).